

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HARMON'EL, <i>et al</i>	:	
	:	
Plaintiffs,	:	
	:	DOCKET NO. 20-1307-C
vs.	:	Judge Solomson
	:	
THE UNITED STATES	:	
	:	
Defendant.	:	
	:	

**PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT
AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

NOW COMES, Plaintiffs by and through its Juris Consul and Trustee Rhashea Lynn Harmon'El, and Trustee and Compliance Enforcer, Chief White Owl, and files this herein MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT, in Response to Defendant's 12(b)(1) MOTION TO DISMISS, and presents the following:

Pursuant to Rule 15(a)(2), United States Court of Federal Claims (RCFC), governing amended and supplemental pleadings:

"[t]he court should freely give leave [to amend a pleading] when justice so requires."

In *Foman v. Davis*, 371 U.S. 178 (1962), the Supreme Court set forth the standard to be applied in determining whether leave to amend a complaint should be granted, stating:

"In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. — the leave sought should, as this rule requires, be “freely given.”¹

¹ See, *Foman v. Davis*, 371 U.S. 182 (1962).

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

See also *Campbell v. Emory Clinic*, 166 F.3d 1157, 1161-62 (11th Cir. 1999) (quoting *Foman v. Davis*); *Nat'l Indep. Theatre Exhibitors, Inc. v. Charter Fin. Group*, 747 F.2d 1396, 1404 (11th Cir. 1984) (same).

Of the pertinent factors identified by the courts, prejudice to the opposing party is the most important to consider in determining whether the Motion for Leave to Amend should be granted:

Further, unlike amendments as of course Rule 15 (a)(1), amendments under Rule 15(a)(2) may be made at any stage of the litigation.

The only prerequisites are that the district court have jurisdiction over the case and an appeal must not be pending. If these two conditions are met, the court will proceed to examine the effect and the timing of the proposed amendments to determine whether they would prejudice the rights of any of the other parties to the suit. If no prejudice is found, then leave normally will be granted. 6 C. Wright et al., *Federal Practice and Procedure* § 1484 (2010).”²

Here, Plaintiffs presented a facially flawed and defective Complaint as Defendant’s 12(b)(1) Motion argues.

Therefore, Plaintiffs present this motion, with the intent of being permitted by the Court, to cure the defect so that Plaintiffs may move forward in the interest of justice.

Additionally, due to the early nature of the request for the Leave to Amend, Plaintiffs’ request poses no undue prejudice to opposing party by virtue of allowance of the amendment.

In fact, providing Plaintiffs with the opportunity to cure the defect will provide Defendant with a fair and equitable opportunity to reasonably understand the duty breached and harm committed against Plaintiffs. Thereby, the defects presented in opposing party’s 12(b)(1) motion will be appropriately cured.

Therefore, upon approval of the herein request, Plaintiffs request that the Federal Court of Claims deny opposing parties’ 12(b)(1) Motion and freely afford Plaintiffs’ leave to amend or in the alternative, wait to decide the Motion until the Amended Complaint is filed and an opportunity to cure its defects has been issued.

² *Id.*

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CONCLUSION

For the reasons stated above, Plaintiffs request that their Motion for Leave to Amend be granted.

Honorably Submitted,
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Date of Execution: 12.28.2020


*Autograph of Rhashea Lynn Harmon-El, Esq.
Trustee*

*The Be Kind and Unified Indigenous Foreign
Private Family Trust (Trustee)
Harmon Rhashea Lynn Foreign Trust
(Trustee)
RLH Ma'at Law Firm (CEO)
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*Autograph of Chief White Owl, Trustee
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IN THE UNITED STATES COURT OF FEDERAL CLAIMS

VERIFICATION

By Chief White Owl our autographed hand and seal [Signature] and [Signature] Wee verify that the factual statements herein are true, correct and made with honor according to our knowledge and comprehension.

As the Trustees and Juris Consul of Guale Yamassee, Wee, verify in accordance with the laws, statutes and commandments of Yahuah, our Elohiym of Yashar'el, and in accordance with the laws of Jus Cogens and UCC, which are in accordance with the Laws, Statutes, and Commandments, that the statements made herein are made with the utmost knowledge and intent to represent **TRUTH** and that it is comprehended that having intentionally and knowingly being made of a corrupt mind with the intent to commit wicked, deceitful perjuries, that such acts, exercise the understanding of the established parallel law of Torah codified in 28 United States Code §1746 relating to unsworn falsification.

Honorably Submitted,

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Date of Execution: 12.28.2020

[Signature]
Autograph of Rhashea Lynn Harmon-El, Esq.
The Be Kind and Unified Indigenous Foreign
Private Family Trust (Trustee)
Harmon Rhashea Lynn Foreign Trust
(Trustee)
RLH Ma'at Law Firm (CEO)
Chief Juris Consul Officer of Guale Yamassee
Juris Consul Office

Chief White Owl
Autograph of Chief White Owl
Xi Chin Clan Nation (Trustee)
Chief Compliance Office of Guale Yamassee
Compliance Department

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IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CERTIFICATE OF SERVICE

By my autograph and seal, and in conformance with the Uniform Postal Act and laws governing the Uniform Postal Union, _____, and Chief White Owl, have certified that Wee, have caused a true and correct copy of the Motion for Leave to Amend in Response to The United States' Motion to Dismiss to be filed on _____ and mailed by the U.S. Postal First Class Mail on _____ to the following persons (entities) or living men or women:

Commercial Litigation Branch
Civil Division
Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, District of Columbia [20044]
and Email@ Sarah.E.Kramer@usdoj.gov

Plaintiffs,

Date of Execution: 12.28.2020

By: _____

Autograph of living man or woman.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ORDER

AND NOW, this ____ day of _____, 202__, upon acceptance, comprehension and consideration of this herein Complaint it is hereby ORDERED and DECREED that the MOTION FOR LEAVE TO AMEND is GRANTED .

By THE COURT:

J.



Rhashea Lynn Harmon'El
Chief Juris Consul

Marie Poppi White Feather El
First Assistant Juris Consul

**GUALE YAMASSEE MBC/INAAN
JURIS CONSUL OFFICE**

JurisConsulOffice@GualeYamasseeCourt.org

267.312.7322

December 28, 2020

Howard T. Markey National Courts Building
Attention: Lisa Reyes d/b/a Clerk of Court
717 Madison Place, NW
Washington, District of Columbia [20439]

RE: HARMON'EL *et al.* vs. THE UNITED STATES

Docket No: 20-1307

Judge: Solomonson

Greetings:

To the clerk of courts:

Enclosed please find a Motion for Leave to Amend Plaintiffs' Complaint in the above referenced matter:

Thank you for your attention to this matter.

Salutations,


Rhashea Lynn Harmon-El
Chief Juris Consul

cc:
Sarah E. Kramer, Esquire
Guale Yamassee Court
File

Received - USCFC

DEC 29 2020



Right Box

RECEIVED
DEC 29 2020
OFFICE OF THE CLERK
U.S. COURT OF FEDERAL CLAIMS